IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRD DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

WRIT PETITION No: 4714 of 1995

Between:

D.R.N.Srinivasa Rao S/o. D.B.Naidu
43-28-3 Kupplithota Dondaparthi Visakhaptnam-16

..... PETITIONER

AND

1 Kaspa Balaraju S/o. Laxmanarao
Kailasapuram Behind 'C' Type Quarters
Sramikanagar C/o. Thutta Chinnodu, Visakhapatnam-2
2 Asst. Commissioner of Labour
Visakhapatnam
3 V Metropolitan Magistrate
Visakhapatnam

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ or order or direction under Art.226 of the Constitution of India particularly one in the nature of writ of Certiorari and calling for the records and quash the impugned order dt: 5/2/92 passed by the 2nd respondent i.e., the authority under the Minimum Wages Act

Counsel for the Petitioner: MR.V.RAJAGOPAL REDDY

Counsel for the Respondent No.2: GP FOR LABOUR

The Court made the following:

ORAL ORDER:

The Writ Petition is filed against the order dated 5-2-1992 passed by the 2nd respondent- the Assistant Commissioner of Labour, Visakhapatnam under the Minimum Wages Act in MWMP.No.32 of 1991.

2. The learned authority after considering the matter passed an *ex-parte* order on 5-2-1992 against which the present Writ Petition has been filed.

3. Learned counsel for the petitioner submits that the order passed by the authority is not sustainable in law and no sufficient opportunity was given to the petitioner to defend his case.

4. Even though the notice was served on the respondents, they are not present nor there is any representation on their behalf. Inasmuch as the ex-parte order was passed without giving proper opportunity to the petitioner, I am of the view that the matter requires reconsideration in the hands of the authority.

5. Under those circumstances, the impugned order is set aside and the matter is remitted back to the authority for fresh consideration. The learned authority shall issue notices to the parties concerned, give opportunity of hearing and thereafter, pass appropriate orders within three months from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition is disposed of. No costs.

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(G. BIKSHAPATHY, J.)

Date: 03-12-2004

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To

1 The Assistant Commissioner of Labour, Visakhapatnam
2 The V Metropolitan Magistrate, Visakhapatnam

3. 2 CCs to the G.P. for Labour, High Court of A.P., Hydeabad (OUT).

4. 2 CD copies.